

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM CALVIN HUNT,

Plaintiff,

No. 17-14095

v.

District Judge Matthew F. Leitman
Magistrate Judge R. Steven Whalen

WALMART STORE, INC., ET AL.,

Defendants.

/

OPINION AND ORDER

Plaintiff William Calvin Hunt, a prison inmate in the custody of the Michigan Department of Corrections, has filed a *pro se* civil complaint naming as Defendants Wal-Mart Stores, Inc. and two of its employees (the “Wal-Mart Defendants”), as well as Kenneth Toney, a Van Buren Township police officer. On June 29, 2018, Defendant Toney filed an answer with affirmative defenses [Doc. #12], and on November 29, 2018, the Wal-Mart Defendants filed an answer with affirmative defenses [Doc. #20].¹

On December 27, 2018, Plaintiff filed a letter that the Court construes as a motion to file a response to the Defendants’ answers [Doc. #23]. On January 3, 2019, Plaintiff filed a response to Defendants’ answer [Doc. #25].

Under Fed.R.Civ.P. 7(a)(7), a reply to an answer is to be filed only if the Court so orders. It appears that the Plaintiff is concerned because the affirmative defenses include failure to state a claim on which relief can be granted. That issue, however, will be

¹ The delay in the Wal-Mart Defendants’ answer occurred because they filed a motion for more definite statement [Doc. #9], which the Court denied on October 30, 2018 [Doc. #17].

decided only if Defendants file an appropriate motion, to which the Plaintiff will have the opportunity to respond. Thus, there is no need for Plaintiff to file a response to the Defendants' answer.

Accordingly, Plaintiff's motion [Doc. #23] is DENIED, and Plaintiff's response to the Defendants' answer [Doc. #25] is STRICKEN.

IT IS SO ORDERED.

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: January 18, 2019

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on January 18, 2019, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla
Case Manager to the
Honorable R. Steven Whalen